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General and complete disarmament

Conventional arms control at the regional and subregional levels

Report of the Secretary-General

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I. Introduction

1. In its resolution 58/39 of 8 December 2003 entitled "Conventional arms control at the regional and subregional levels", the General Assembly, convinced that conventional arms control needs to be pursued primarily in the regional and subregional contexts since most threats to peace and security in the post-cold-war era arise mainly among States located in the same region or subregion, decided to give urgent consideration to the issues involved in conventional arms control at the regional and subregional levels and requested the Secretary-General to seek the views of Member States on the subject and to submit a report to it at its fifty-ninth session.

2. Pursuant to that request, a note verbale, dated 14 January 2004, was sent to Member States requesting their views on the subject. To date, replies have been received from the following States: Argentina, El Salvador, Honduras, Lebanon, Mexico, New Zealand, Panama, the Philippines, Qatar, the Russian Federation and Venezuela, as well as the Holy See. These replies are reproduced in section II below. Any further replies received will be issued as addenda to the present report.

II. Replies received from Member States

Argentina

[Original: Spanish]
[30 April 2004]

With respect to paragraph 2 of resolution 58/39, the Government of Argentina sees no difficulty in considering the formulation, within the Conference on Disarmament, of principles that can serve as a framework for regional agreements on conventional arms control. As a State member of the Conference, Argentina supports any progress that may be made in this area. With regard to the substantive question, what will be needed, first and foremost, in each region is a broad-based consensus to move forward on arms control, identifying the concerns and the requirements specific to each case. Furthermore, the principles to be formulated should take into consideration the legitimate security needs of the States and should recognize progress made at both the unilateral and the bilateral levels.

In particular, the Argentine Republic considers that measures designed to achieve a limitation of conventional weapons at the regional level must be framed within a context that takes into account the development and the strengthening of transparency and confidence-building measures among the countries of the region concerned. Accordingly, the accomplishments of the States members of the Organization of American States (OAS) are an example of the progress that can be made in this area. In concrete terms, we have, on the one hand, taken steps designed to limit the manufacture of and illicit trafficking in firearms through the signing of the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials.

By so doing, the States parties have committed themselves to promoting and facilitating cooperation and the sharing of information and experiences in order to reach the agreed goals. Among the measures to be implemented are the tracing of

firearms, confiscation and decommissioning, and the implementation of an effective system of licences or permits for the export, import and international transit of firearms. Furthermore, the Model Regulations for the Control of the International Movement of Firearms, Their Parts and Components and Ammunition, adopted within the framework of the Inter-American Drug Abuse Control Commission, provides countries with a frame of reference for the adoption of internal measures and procedures for the control of legal international trafficking in firearms.

On the other hand, the countries of this region have signed the Inter-American Convention on Transparency in Conventional Weapons Acquisitions. This document has provided a legal framework for reporting on the acquisition of conventional arms covered by the United Nations Register of Conventional Arms, imposing two sets of obligations upon States parties. First, countries must report annually to OAS on conventional arms imports and exports covered by the Convention, which are identical to those contained in the United Nations Register. Secondly, countries must report acquisitions no later than 90 days after incorporation into the inventory of the armed forces, whether the weapons are acquired through importation or manufactured internally. Thanks to this series of initiatives, the countries of the region have advanced successfully in the strengthening and promotion of confidence-building measures, using them as the first step towards a future agreement on arms control at the regional level.

El Salvador

[Original: Spanish]
[27 April 2004]

El Salvador is working towards the achievement of peace, and supports the commitments on global disarmament made at the United Nations and the Organization of American States (OAS), aimed at contributing to international peace and security. The aspects relating to global disarmament are being addressed by the Central American Security Commission, on the basis of the provisions of the Framework Treaty on Democratic Security in Central America, in accordance with the activities of the United Nations and OAS in this area.

Honduras

[Original: Spanish]
[28 April 2004]

Principles that can serve as a framework for regional agreements on conventional arms control:

A. In the context of the Framework Treaty on Democratic Security in Central America, concluded in Honduras on 15 December 1995, the Central American Security Commission has provided for the adoption and implementation of an annual programme of measures to promote confidence and security, including conventional arms control, notification of manoeuvres and troop movements near the border, invitations to observers, establishment of a reasonable balance of forces and prohibition of weapons of mass destruction.

B. In the area of regional security, an important step was the commitment made by the Presidents of the Republics of El Salvador, Honduras and Nicaragua in the Presidential Declaration of Pochomil, Nicaragua, on 30 March 2001, which aimed at building confidence and promoting security. In that regard, the Council of Central American Ministers for Foreign Affairs, meeting on 19 February 2003 in Panama City, ratified model conventional arms inventory forms prepared by the Central American Security Commission.

C. On 7 March 2000, Honduras signed a memorandum of understanding with Nicaragua in the case regarding maritime demarcation in the Caribbean Sea in the presence of Mr. Luigi Einaudi, Special Representative of the Organization of American States (OAS). This instrument establishes confidence-building measures and security in relation to the use and control of conventional weapons and other actions in the context of military activities and operations undertaken by Honduras and Nicaragua.

D. The declaration signed by the Presidents of El Salvador, Honduras and Nicaragua on 27 February 2002 in Managua established agreements and procedures on instructing the navies of member States not to employ weapons systems on their vessels.

E. In the regional military sphere, on 12 November 1997, the Central American Armed Forces Conference was established by agreement between the Presidents of the Republics of Honduras, El Salvador, Guatemala and Nicaragua. At that conference, an agreement was reached to draw up a military programme of confidence-building and security measures, which acts as a point of reference for the elaboration of the annual report on confidence-building measures and security in the military sphere. The programme promotes transparency in conventional arms control and military actions and is based on regional agreements to achieve the regional peace and security of member States. This annual programme of confidence-building and security measures also includes important measures relating to military spending, foreign military personnel, registers of conventional arms, peacekeeping and humanitarian operations.

Lebanon

[Original Arabic]
[1 April 2004]

The Government of Lebanon has already affirmed the proposal to delay accession to the Convention on Conventional Weapons, as Lebanon is still suffering the results of the use of such weapons on its territory by Israel. The main principles that could serve as a framework for regional agreements to limit conventional weapons are:

- Full compliance with United Nations resolutions on the subject
- Permanent border monitoring and control of smuggling at home and abroad
- The combating of terrorism and measures to ensure that such weapons do not fall into the hands of terrorists
- The promulgation of national, regional and international legislation to limit such weapons

- Occasions which allow for the individual or collective use of such weapons in order to resist occupation or to defend territory
- The assurance of compliance with the agreement from each regional State concerned with implementation in order to prevent any repetition of double standards, as occurred in the case of the Treaty on the Non-Proliferation of Nuclear Weapons.

Mexico

[Original: Spanish]
[7 May 2004]

Mexico assigns a crucial role to conventional arms control in maintaining regional and international peace and security. It regards the adoption of agreements in the framework of regional and subregional bodies as particularly important. Agreements of this type create favourable conditions for increased cooperation at both levels, strengthening the efforts to halt and even reverse the arms race.

Mexico believes that conventional arms control at the regional and subregional levels represents an indispensable step towards disarmament. Until general and complete disarmament has been achieved, effective conventional arms control should rest mainly on limiting conventional arms, verifying compliance with bilateral, regional and multilateral arms agreements and adopting transparency and confidence-building measures. Such control should be based on measures developed and implemented in a transparent and non-discriminatory manner by all States concerned.

Mexico reaffirms that agreements on limiting all types of international transfers of such arms should be based, in particular, on the principle that it does not diminish the security of the parties, with a view to promoting or strengthening stability at a lower military level, bearing in mind the need for all States to protect their security. Mexico shares the view that militarily significant States and States with larger military capabilities have a special responsibility in promoting conventional arms agreements for regional and subregional security, both in terms of pursuing conventional arms reduction and of building confidence among States located in the same geographical areas. In the light of the above, it is particularly necessary for such Powers to prevent the possibility of military attack launched by surprise and to avoid aggression.

With regard to paragraph 2 of the resolution, the impasse prevailing in the Conference on Disarmament, as regards the lack of agreement on the adoption of its agenda, should be kept in mind. Accordingly, and without prejudice to the mandate embodied in the resolution on this item, the formulation of principles on conventional arms control should be regarded as an item which could be considered in the framework of the Conference on Disarmament, a United Nations deliberative body that has already adopted guidelines and principles in the area of disarmament.

Mexico believes that in formulating principles on conventional arms control, States should ensure that military restructuring and weapons purchases do not break the pattern of the regional status quo, so as to avoid escalating an arms race. Mexico stresses that the conclusion of conventional arms control agreements is a

precondition for ensuring a climate of peace and would also foster the creation of material and human resources that could be dedicated to national development.

New Zealand

[Original: English]
[30 April 2004]

New Zealand considers that the following principles should be included in the proposed framework for regional agreements on conventional arms control.

Regional agreements should:

- Take into account the possibility that each constituent State may have different domestic circumstances
- Take into account the costs of complying with the agreement's provisions, especially with respect to capacity constraints of those States with relatively limited resources. Reporting requirements, in particular, should be designed to be as streamlined as possible while remaining effective.
- Seek to work through and/or support the work of regional organizations having the same or similar objectives to the agreement to prevent unnecessary duplication of work.

Panama

[Original: Spanish]
[24 May 2004]

Ministry of Government and Justice Institutional Directorate of Public Security Affairs

In accordance with the provisions of Executive Decree No. 2 of January 1991, the authorization of the Ministry of Government and Justice is required for the import or sale of conventional or other firearms, accessories, ammunition and non-lethal defence items for hunting, sports and self-defence, and the functioning and operation of companies engaging in these activities, as well as individuals, who must be of demonstrated integrity and honour.

Companies that engage in the import or sale of arms, ammunition, accessories and non-lethal items are required to submit to the Ministry of Government and Justice comprehensive monthly inventories of their stocks of such items; a report itemizing the quantities and types of items sold that month, including each purchaser's name, identification number, telephone, address and weapons permit number, issued by the Judicial Technical Police; and a full description of the merchandise. The permit issued to a company by the Ministry of Government and Justice to sell or import these items will be revoked for failure to comply with this requirement.

The Ministry of Government and Justice may authorize the establishment of shooting instruction and practice areas, which must comply, as the case may be, with both the provisions of Executive Decree No. 2 of 2 January 1991 and any security

norms laid down by the authorities of the Police, the Ministry of Health and the Security Office of the Fire-fighters Brigade of the Republic of Panama.

The Institutional Directorate of Public Security Affairs of the Ministry of Government and Justice is making the necessary efforts to finalize a draft law, with a view, in particular, to updating legislation relating to the import, use, destination and control of firearms and ammunition by remedying legal and technical lacunae, and with the ultimate aim of harmonizing legislation in this area.

Frequent contacts with neighbouring countries and countries of the region are maintained in order to define both national and regional modalities for launching an operational and administrative mechanism that would facilitate the implementation of initiatives to control firearms, ammunition and other dangerous items that pose a threat to the security of peoples. To this end, meetings are held to study and analyse the findings of the national multidisciplinary commissions with a view to ensuring their applicability in any region, and seminars are conducted to explore ways of preventing, combating and eradicating the illicit manufacturing of and trafficking in firearms, ammunition, explosives and other related materials, as well as the technical and scientific destruction of such materials.

Philippines

[Original: English]
[12 May 2004]

The formulation of principles to serve as a framework for regional agreements on conventional arms control plays an important role in the promotion of international peace and security. This has become even more significant given that threats relating to armaments emerge mostly among countries in the same region or subregion.

A proposal to limit the total holding of armaments may be pursued. This is necessary to ensure that no country would be able to dominate the region or subregion by force of arms.

Measures to regulate movement of conventional arms, including measures of transparency and constraint regarding the import and export of armaments, may be pursued.

Qatar

[Original: Arabic]
[13 May 2004]

We believe that, despite the specificity of the problems and issues facing the Arab region, which dictate regional and subregional priorities for action reflecting the circumstances of the region and security and development requirements, the Arab region in general is fully aware of the dangers posed by the point at issue and its political, social, economic and human ramifications for individuals in society.

There are a number of agreements and conventions concerned with such phenomena, such as the Arab Convention for the Suppression of Terrorism, signed

at a joint conference of the Council of Arab Ministers of the Interior in 1988, which addressed one aspect of the issue of arms control and the prevention of the illicit arms trade.

The issue of conventional arms control in the regional and subregional context is an important matter which must be viewed globally in view of its significance and the fact that it is the principal source of conflicts between countries in the region. However, the types of conventional arms need to be clearly identified and defined so that a debate can take place between States at the regional and subregional level, thereby enabling the adoption of such an agreement and the creation of a mechanism for such an agreement, which would be binding for the signatory States.

Russian Federation

[Original: Russian]
[23 April 2004]

Principles for regional agreements on conventional arms control

Based on the experience acquired in Europe, the following model list of principles could be proposed.

I. Basic principles

1. *Principle of equality of rights, balance and reciprocity, and equal respect for the security interests of the States parties to regional agreements.*

The security of each State party is inseparably linked with the security of all the other States parties.

No State party shall strengthen its security at the expense of the security of other States, and each shall safeguard its own security interests in a manner consistent with common efforts to consolidate security and stability in the region. Each State party may, taking into account the legitimate security interests of other States, freely and independently determine its security interests on a basis of sovereign equality and shall have the right freely to choose ways of safeguarding its own security in accordance with international law. Agreements on arms control shall be elaborated by the States parties on a voluntary basis in negotiations in which they participate as sovereign, independent States and on a basis of complete equality.

Each State party shall contribute to the implementation of the arms control measures agreed in such a manner that they do not adversely affect the security of any party at any stage.

2. *Principle of reasonable sufficiency of military capabilities and non-aggressive defence.*

Each State shall maintain only such military capabilities as are commensurate with its legitimate defensive needs, taking into account its obligations under international law.

This principle presupposes the elimination of existing imbalances, the establishment of lower and more equal levels with respect to the size of military

forces and the number of conventional arms, and the conferral on armed forces of a strictly defensive character.

II. Principles reflecting the requirements for agreements

1. *Military significance*

The measures agreed must make a substantial contribution to the strengthening of military security in the region. To this end, the range of parties, and the area of application and subject of these measures must be determined in such a manner that emphasis is placed, from the very outset, on those forces that exert the most direct influence on the fundamental aspects of military security in the region.

2. *Phasing*

The measures agreed must correspond to the existing level of confidence among the States parties and the common goal of strengthening stability and security in the region. In each subsequent phase, the scope and degree of intrusiveness of the measures agreed must increase. The progression "from the simple to the complex" may include such phases as:

- Stabilization of local crisis situations if necessary (ceasefire, creation of demilitarized zones, establishment of a mechanism for the broad resolution of crisis situations, prevention of military incidents in the region, etc.)
- Reduction and limitation of the scale of military activities
- Elaboration and adoption of militarily significant measures to build confidence and strengthen security
- Creation of mechanisms for the strict verification of compliance with the obligations entered into
- Establishment of a stable and secure balance of conventional armed forces at reduced levels, including removal of disparities prejudicial to stability and security, and elimination, in order of priority, of the capacity to launch surprise attacks and to initiate large-scale offensive action (provisions on territorial and national ceilings and other restrictions, reductions, redistribution and related measures).

3. *Economic acceptability*

The procedures for implementing the measures agreed must not be onerous from an economic standpoint, while the process must have a positive long-term impact on the economy of each State party.

4. *Adaptability*

Under the terms of the measures agreed, it must be possible to render these measures more viable through their timely adaptation to changing military and political circumstances and new challenges and threats.

5. *Definition of the area in which the confidence-building measures agreed will apply*

When arms control measures are agreed upon, there is a need to define the area in which they will apply (territories of States or areas at a specified distance from

shared borders and adjacent maritime areas, etc.), and to take account of the possibility of extending them to States' military activities within coalitions.

6. *Encouraging the development of cooperation* between armed forces in contiguous military districts and between troops in border areas shared between States.

Venezuela

[Original: Spanish]
[10 June 2004]

The Ministry of Defence of the Government of the Bolivarian Republic of Venezuela considers that the following fundamental principles should apply for the purposes of any regional agreements on conventional arms control:

1. Principle of the free will of the parties;
2. Principle of immediate entry into force;
3. Principle of inviolability of Venezuela's international jurisdiction;
4. Principle of international assistance in judicial matters;
5. The constitutional principle of equality.

Holy See

[Original: English]
[17 May 2004]

Concerning paragraph 2 of General Assembly resolution 58/39, the Permanent Observer Mission of the Holy See to the United Nations wishes to raise the following points relative to the formulation of principles that can serve as a framework for regional agreements on conventional arms control:

1. The regional/subregional context for conventional arms control provides States with opportunities for cooperation and concrete measures taken at a practical and manageable level;
2. Such a formulation of principles could take into account new international security situations and other factors that have not yet been fully considered by the arms control community;
3. It would serve to reinvigorate the work of the Conference on Disarmament, and hopefully to overcome the disagreement over its programme of work.

With regard to paragraph 3 of the resolution:

1. The importance of recognizing and balancing both the universal human desire for peace and the particular sovereignty of States and regional/subregional characteristics that must inform such agreements;
2. Following the principle of subsidiarity, regional/subregional arms control agreements should allow for States to provide for the security and well-

being of citizens of failed States or States undergoing internal conflicts in the region;

3. Friendly relations between States, being the key condition to peace, confidence- and security-building measures, should be formalized. These may include measures to increase transparency regarding armaments, to lessen suspicion and tension through inspections and to reduce the likelihood of misinterpretation with prior notification of military manoeuvres;

4. The need for arms-producing States to have export controls and adequate ways of tracing weapons transactions. States should also develop regional/subregional mechanisms to interdict illegal or illicit weapons transfers.